

BILL ANALYSIS

Senate Research Center
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S.B. 1062
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Local Government
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, one out of every seven households is unable to provide adequate food for household members due to a lack of resources. What's more, 20 percent of Texas children experience chronic hunger, which negatively impacts physical and social development. This widespread food insecurity has only been exacerbated by the COVID-19 pandemic, with empty grocery store shelves and hoarding unfortunately becoming a common occurrence.

Accordingly, S.B. 1062 seeks to protect home food production by preventing municipalities or homeowners' associations from prohibiting small-scale gardening or animal husbandry on Texans' private property. In addition to addressing food insecurity, this bill also would help ensure that students who are members of 4-H or the Future Farmers of America are able to raise animals through these programs whether they live in rural or urban areas, helping to expand further their knowledge of agriculture.

Specifically, S.B. 1062 would prohibit municipalities and property owners' associations from adopting or enforcing ordinances or restrictive covenants, respectively, that restrict the growing of fruits and vegetables or the raising or keeping of six or fewer domestic fowls, six or fewer rabbits, or three or fewer beehives. The bill, however, would allow municipalities and property owners' associations to impose reasonable requirements on these agricultural activities such as prohibiting roosters, requiring a minimum distance between the animal shelter or beehive and a residential structure, or limiting the number of animals or beehives beyond the number this bill authorizes.

As proposed, S.B. 1062 amends current law relating to the regulation of food production on single-family residential lots by a municipality or property owners' association.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 217, Local Government Code, by adding Subchapter Z, as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 217.901. FOOD PRODUCTION ALLOWED ON SINGLE FAMILY RESIDENTIAL LOT. (a) Prohibits a municipality, notwithstanding any other law and except as provided by Subsection (b), from adopting or enforcing an ordinance that prohibits any of the following activities on a single-family residential lot:

- (1) the growing of fruits and vegetables; or
- (2) the raising or keeping of six or fewer domestic fowls, six or fewer rabbits, or three or fewer beehives.

(b) Authorizes a municipality to impose reasonable regulations on the raising or keeping of fowls, rabbits, or bees on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of the fowls, rabbits, or bees, including:

(1) a limit on the number of animals or beehives that is more than the minimum number allowed by this section;

(2) a prohibition on raising or keeping of a rooster; or

(3) the minimum distance between an animal shelter or beehive and a residential structure.

(c) Provides that an ordinance adopted by a municipality that violates this section is void.

SECTION 2. Amends Chapter 202, Property Code, by adding Section 202.022, as follows:

Sec. 202.022. FOOD PRODUCTION ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Prohibits a property owners' association, notwithstanding any other law and except as provided by Subsection (b), from adopting or enforcing a restrictive covenant that prohibits any of the following activities on a single-family residential lot:

(1) the growing of fruits and vegetables;

(2) the raising or keeping of six or fewer domestic fowls, six or fewer rabbits, or three or fewer beehives; or

(3) a cottage food production operation, as defined by Section 437.001(2-b) (relating to defining "cottage food production operation"), Health and Safety Code.

(b) Authorizes a property owners' association to adopt and enforce a restrictive covenant imposing reasonable requirements on the raising or keeping of fowls, rabbits, or bees on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of the fowls, rabbits, or bees, including:

(1) a limit on the number of animals or beehives that is more than the minimum number allowed by this section;

(2) a prohibition on raising or keeping of a rooster; or

(3) the minimum distance between an animal shelter or beehive and a residential structure.

(c) Provides that a provision that violates this section is void.

SECTION 3. Effective date: September 1, 2021.